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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,721	04/26/2001	Juha Tiihonen	PM277182	7520
909	7590	11/12/2004	EXAMINER	
PILLSBURY WINTHROP, LLP				IYER, RAMAKRISHNA R
P.O. BOX 10500				ART UNIT
MCLEAN, VA 22102				PAPER NUMBER
				2663

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/762,721	TIIHONEN ET AL.
	<b>Examiner</b> Raju Iyer	<b>Art Unit</b> 2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 August 1999.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3, 11, 12 and 14 is/are rejected.
- 7) Claim(s) 4-7, 8-10 and 13 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 August 1999 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Objections***

1. Claims 4, 5, 6 & 7 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only and cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, claims 4, 5, 6 and 7 have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3/1, 11, 12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Number 6,076, 114 ("Wesley").

a) Regarding Claim 1, Wesley discloses a method for setting the initial value of a Round Trip Time (RTT) on a data communications link and monitoring the actual latency on the link and modifying the initial value if the need is detected (Col. 11, line 50 to Col. 12, line 44). Wesley further teaches that the invention may be applied to "wired networks as well as wireless networks" (Col. 1, lines 36-64). Therefore the combination described in Claim 1 is judged to have been anticipated by Wesley.

b) Regarding Claim 3/1, Wesley discloses a method for setting the initial value of a Round Trip Time (RTT) on a data communications link as described above in

paragraph 3a with regard to Claim 1, and further teaches that the RTT timer may be changed “dynamically as a function of the experienced latency” (Col. 7, lines 60-65). Therefore the combination described in Claim 1, and the limitation set forth in Claim 3/1, are judged to be items that have been described by Wesley.

c) Regarding Claim 11, Wesley discloses a system wherein “a computer or other programmable apparatus” is used for setting the initial value of a Round Trip Time (RTT) on a data communications link and monitoring the actual latency on the link and modifying the initial value if the need is detected (Col. 11, line 50 to Col. 12, line 44). Wesley further teaches that the invention may be applied to “wired networks as well as wireless networks” (Col. 1, lines 36-64). Since the elements (MSC/IWF, MS) identified in Claim 11, are components of a “wireless data link”, the combination described in Claim 11, is judged to have been anticipated by Wesley.

d) Regarding Claim 12, as indicated above in paragraph 3c with respect to Claim 11, Wesley discloses a system wherein “a computer or other programmable apparatus” is used for setting the initial value of a Round Trip Time (RTT) on a data communications link and monitoring the actual latency on the link and modifying the initial value if the need is detected (Col. 11, line 50 to Col. 12, line 44). Wesley further teaches that the invention may be applied to “wired networks as well as wireless networks” (Col. 1, lines 36-64). Since the element (MSC/IWF) identified in Claim 12, is a component of a “wireless data link”, the combination described in Claim 12, is judged to have been anticipated by Wesley.

e) Regarding Claim 14, as indicated above in paragraph 3c with respect to Claim 11, Wesley discloses a system wherein “ a computer or other programmable apparatus” is used for setting the initial value of a Round Trip Time (RTT) on a data communications link and monitoring the actual latency on the link and modifying the initial value if the need is detected (Col. 11, line 50 to Col. 12, line 44). Wesley further teaches that the invention may be applied to “wired networks as well as wireless networks” (Col. 1, lines 36-64). Since the element (MS) identified in Claim 14, is a component of a “wireless data link”, the combination described in Claim 14, is judged to have been anticipated by Wesley.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wesley as applied to Claim 1 above (paragraph 3a), and further in view of “An Introduction to

GSM", by Siegmund M. Redl, Matthias K. Weber and Malcolm W. Oliphant, 1995, Artech House ("Siegmund et al").

Siegmund et al, in their book, discuss handover procedure in mobility systems (see page 42, Section 3.7), and teach that the "handover or handoff procedure is a means to continue a call".

A person of ordinary skill in the art would have been motivated to employ Siegmund et al in Wesley, in order to compensate for time delay variations occurring due to handovers during data transmissions over a mobile data link.

At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains, to combine Siegmund et al with Wesley (collectively "Siegmund-Wesley") to obtain the invention as specified in Claim 2.

6. Claim 3/2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siegmund-Wesley as applied to Claim 2 in paragraph 5 above, and further in view of Wesley as applied to Claim 3/1 in paragraph 3b above.

#### ***Allowable Subject Matter***

7. Claims 8, 9, 10 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see list attached separately). Any inquiry concerning this

communication or earlier communications from the examiner should be directed to Raju Iyer whose telephone number is (571) 272 6047. The examiner can normally be reached between the hours of 7.00 a.m. - 4.00 p.m. on all week days (except every other Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on (571) 272 3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RA

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